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Attorneys for Defendants Mustafa Nevzat Ilac Sanayii A.S. (a.k.a MN Pharmaceuticals), Par Pharmaceutical Companies, Inc. and Par Pharmaceutical, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

**ORDER GRANTING SUMMARY JUDGMENT FOR NONINFRINGEMENT OF
CLAIM 2 OF U.S. PATENT NO. 5,338,874 IN FAVOR OF DEFENDANTS MUSTAFA
NEVZAT ILAC SANAYII A.S. (A.K.A. MN PHARMACEUTICALS), PAR
PHARMACEUTICAL COMPANIES, INC. AND PAR PHARMACEUTICAL, INC.**

THIS MATTER having been opened to the Court by Defendants Mustafa Nevzat Ilac Sanayii A.S. (a.k.a. MN Pharmaceuticals), Par Pharmaceutical Companies, Inc. and Par Pharmaceutical, Inc. (collectively “MN and Par”) pursuant to paragraph I.11 of the Scheduling Order that was entered on November 20, 2008, seeking entry of an Order granting summary judgment based on the non-infringement of Claim 2 of the of U.S. Patent No. 5,338,874 (“the ‘874 patent”); and Defendants MN and Par having incorporated, joined in, and relied upon the Motion of Defendant EBEWE Pharma Ges.mb.H. Nfg.KG (“Ebewe”) seeking summary judgment for non-infringement of claim 2 of the ‘874 patent, filed on January 9, 2009, including incorporating, joining in, and relying upon the factual and legal submissions of Defendant Ebewe in support of its Motion; and Defendants MN and Par having incorporated, joined in, and relied upon the Motion of Defendants Pliva-Lachema A.S. and Barr Laboratories, Inc. (“Barr/Pliva”) seeking summary judgment for non-infringement of claim 2 of the ‘874 patent, filed on January 9, 2009 , including incorporating, joining in, and relying upon the factual and legal submissions of Defendant Barr/Pliva in support of its Motion; and Defendants MN and Par relying upon their Statement in Lieu of Brief pursuant to L. Civ. R. 7.1(d)(4), submitted herewith; and relying upon the factual and legal submissions of MN and Par in support of their motion for non-infringement of the ‘874 patent, previously filed on January 9, 2009; the Court having considered the foregoing papers; the papers submitted by Plaintiffs herein in opposition to said Motion; and having considered reply papers in support of said Motion; and the Court further having considered oral argument, if any; all pleadings of record; and for other and good cause having been shown,

IT IS on this ____ day of _____ 2008;

ORDERED:

That the Motion by Defendants MN and Par for Summary Judgment of Non-Infringement of Claim 2 of the '874 patent is hereby granted.

HONORABLE JOEL A. PISANO
UNITED STATES DISTRICT JUDGE